

# FOLEY & MANSFIELD

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***Via Email Only***

Lori Cora  
EPA Region 10  
1200 Sixth Avenue  
Suite 900  
Seattle, WA 98101-3140

Re: Siltronic comments to NWN actions related to the Gasco Sediments Site  
EPA CERCLA Docket No. 10-2004-0068

Dear Lori:

I am writing today on behalf of Siltronic to follow up on my letter to you from August 7, 2017, expressing concern on behalf of Siltronic that EPA continues to meet with NW Natural (NWN) regarding activities being conducted pursuant to the 2009 EPA Consent Order for the Gasco Sediments Site (the 2009 Order) without notifying Siltronic or inviting Siltronic to participate in those discussions. As a signatory to the 2009 Order, Siltronic has certain rights and obligations that cannot be protected if Siltronic does not know what is happening and does not receive meaningful opportunity to participate.

Monthly Progress Reports submitted by NWN to EPA depict examples of NWN meeting with EPA and discussing work and schedules related to the 2009 Order without Siltronic participation. A few examples identified by Siltronic include, but are not limited to:

- 6/2/17: NWN's submittal of a revised schedule of deliverables to EPA based on verbal feedback received from EPA during the May 2, 2017, meeting. Siltronic was not provided an opportunity to participate in the preparation of this submittal;
- 7/13/17: NWN's submittal of the Pre-Remedial Basis of Design Technical Evaluations Work Plan, to EPA. Siltronic again was not provided an opportunity to participate in the preparation of this submittal.
- 8/3/17: NWN's in-person meeting with EPA to discuss NWN's proposal to perform an initial round of data collection at the Gasco Sediment Site in late August/early September. Siltronic was not aware this meeting occurred and did not have an opportunity to participate.
- 8/22/17: NWN's telephone conversation with EPA and Anchor QEA to discuss EPA and DEQ comments to the NWN Proposed Summer 2017 Initial Pre-Remedial Design Data Gaps Field Sampling—Gasco Sediment Site and Health and Safety Plan for non-diver activities. Siltronic was not aware of this meeting and did not have an opportunity to participate.

- 8/23/17: NWN's submittal to EPA of the Revised Summer 2017 Initial Pre-Remedial Design Data Gaps Field Sampling—Gasco Sediment Site and memorandum titled NW Natural Response to EPA Comments on Summer 2017 Interim Pre-Remedial Design Data Gaps Field Sampling—Gasco Sediments Site. Siltronic was not provided an opportunity to participate in the preparation of either submittal.
- 8/28/17: EPA's e-mail to NWN granting conditional approval to perform interim sampling. Siltronic was not copied on this communication or otherwise notified of EPA's decision.
- 8/31/17 EPA's e-mail to NWN granting formal approval to perform proposed interim sampling. Siltronic was not copied on this communication or otherwise notified of EPA's decision.

As a result of Siltronic's inability to participate, Siltronic is unable to provide timely input with the approach that NWN is taking relative to the Order. Siltronic was not able to provide input to NWN prior to NWN submitting the subject documents to EPA because NWN did not give Siltronic this opportunity. It appears that Siltronic's participation in the work for this Order is not deemed necessary by NWN.

In addition, the contaminants for which Siltronic may be responsible under this Order either 1) have been greatly reduced, 2) are from a different source upstream, or 3) are limited to a very small area. For instance, concentrations of TCE and degradation products in transition zone water declined by 80% from 2004 to 2010. It is estimated that the TCE removal project undertaken by Siltronic in the uplands has reduced TCE in the upland groundwater by greater than 99.9%.

Given the drastic reductions in the presence of TCE and daughter products at the Siltronic property, along with the actions of both EPA and NWN to move forward without involving Siltronic, it may make sense to simply document the current arrangement by removing Siltronic from the 2009 Gasco Sediments Order as was discussed with you and Sean Sheldrake several months ago.

Siltronic again requests that EPA either provide Siltronic the opportunity to meaningfully participate in decisions related to the 2009 Order, which is limited to design work only, or agree to remove Siltronic from any further obligations under that Order. I am available to discuss this issue with you further at your convenience.

Sincerely,



Ilene M. Munk

cc: Myron Burr  
David Rabbino  
Sean Sheldrake  
Patty Dost, Pearl Legal Group